

UNITED STATES OF AMERICA,

v.

JOHN V. PALERMO JR.,

Defendant.

THIS MATTER is before the Court on the “Motion for Reconsideration to File Reply in Support of John V. Palermo, Jr.’s Motion to Suppress and Exclude Under Seal” (document # 112) filed January 6, 2020.

This case is governed by the Standard Criminal Discovery Order entered by the Court on April 2, 2019 and a Discovery Agreement with the Department of Justice dated April 11, 2019. Paragraph 21 of the Discovery Order states:

Any discovery material, including but not limited to, statements and summaries of interviews of witnesses made available for review by the prosecution to the defense, shall not be used by the defendant or his attorney for any purpose other than in direct relationship to the case and no further disclosure shall be made of these items.

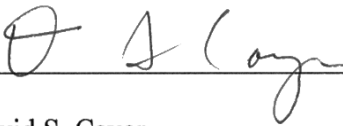
Defendant argues that his Reply Brief includes references to some of the documents produced during discovery and also incorporates as an exhibit a confidential FBI memorandum of interview containing statements made by an unnamed public figure to the FBI that was also produced during discovery.

The Discovery Order provides that such statements shall not be used for any purpose other than in direct relationship to the case. When included in the Reply Brief, the use of the statements is clearly in direct relationship to the case. For those reasons, the Motion is denied.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel, and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: January 6, 2020

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

